

REMARKS/ARGUMENTS

Claims 21-44 have been examined and finally rejected. Claims 1-20 were previously cancelled. The present response cancels claims 21-44 and adds new claims 45-64. The new claims are essentially a reinstatement of the previously cancelled claims 1-20. Accordingly, claims 45-64 are now pending. Entry of the present amendment after final, reconsideration, and allowance of all pending claims are respectfully requested.

Claims 21-25, 28-33, and 38-40 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0159132 naming Grochocinski, et al. (hereinafter "Grochocinski") as inventors. The Grochocinski publication also serves as a basis for the § 103 rejections of claims 26-27, 34-37, and 41-44. The Examiner also relied on the Grochocinski patent publication in rejecting claims 1-20 in the Office Action mailed on December 5, 2002.

The effective date of the Grochocinski patent publication is April 30, 2001. Along with the present Amendment after Final, Applicants are submitting a Rule 131 Declaration and an accompanying Exhibit A. The declaration and Exhibit A show conception prior to April 30, 2001. Also, as the declaration explains, this was followed by work on the present patent application whose filing represents a constructive reduction to practice. The Grochocinski patent publication is accordingly therefore no longer effective prior art to the present application. Removal of the Grochocinski patent publication overcomes all of the rejection of the pending claims. These rejections should therefore now be withdrawn and the claims allowed.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8694.

Respectfully submitted,



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